S.B.CIVIL SECOND APPEAL NO.452/2005

State Bank of India
vs.
Shri Jain Swetambar Terapanthi Sabha, Aseend

DATE OF JUDGMENT ::: 7.12.2005

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. JK Chanda, for the appellant.
Mr. M Shishodia, for the respondent.

- - - - -

Heard learned counsel for the parties.

According to learned counsel for the appellant, the appellant started efforts to shift their bank. Learned counsel for the appellant also submits that they have issued an advertisement for getting an appropriate building for the appellant, therefore, in case time upto September, 2006 is granted, they will vacate the suite premises.

In view of the above statement of learned counsel for the appellant, this appeal is dismissed with a rider that the decree under challenge shall not be executed till 30.9.2006, provided the appellant furnishes a written undertaking before the trial court within a period of one month from today that it shall hand over the vacant possession to the landlord by or before 1.10.2006 and shall

pay all the arrears of rent and decreetal amount, if due, within a period of one month from today before the trial court or directly to the landlord by depositing in his account if the landlord provides the particulars of the bank account. The appellants shall also deposit the rent month by month by 15th day of each succeeding month of their tenancy in the trial court. In case of non-compliance of the order or default in payment of rent mentioned above, the decree shall become executable forthwith.

(PRAKASH TATIA), J.

S.Phophaliya